## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION

NO.: 7:07-CV-166-H

JANICE HOSLER on behalf of herself and all other similarly	)
situated individuals,	)
Plaintiffs,	) .
	)
v.	ORDER
	)
SMITHFIELD PACKING COMPANY, INC.,	)
Defendant.	)

This matter is before the court on defendant's motion for partial summary judgment as to plaintiffs' Fair Labor Standards Act ("FLSA") claims arising after July 1, 2009 [DE #345]. United States Magistrate Judge James E. Gates filed a Memorandum and Recommendation ("M&R") on August 27, 2010, recommending that defendant's motion be allowed [DE #425]. No objections to the M&R have been filed, and the time for doing so has expired. This matter is ripe for adjudication.

Under Rule 72(b) of the Federal Rules of Civil Procedure, a district judge shall make a de novo determination of any portion of an M&R to which specific written objection has been made.

Fed. R. Civ. P. 72(b); see also Local Civil Rule 72.4(b)(1), EDNC. No objection to the M&R having been filed, plaintiffs have waived their right to de novo review of any issue covered in the M&R. Nevertheless, this court has conducted a full and careful review of the M&R and other documents of record and, having done so, hereby finds that the recommendation of the magistrate judge is, in all respects, in accordance with the law and should be approved.

Accordingly, the court ADOPTS the recommendation of the magistrate judge as its own. Defendant's motion for partial summary judgment [DE #345] is GRANTED. Plaintiffs' claims for pre- and post-shift donning, doffing, washing, walking, and waiting time under the FLSA arising after July 1, 2009, are hereby DISMISSED with prejudice.

This 24 That day of September 2010.

MALCOLM J. HOWARD

Senior United States District Judge

At Greenville, NC #31